

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE
MINUTES**

FEBRUARY 10, 2009

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, February 10, 2009 at 3:25 p.m., in Committee Room #2.** The following members were present:

**The Honorable Clela Winslow, Chair
The Honorable C. T. Martin, Vice-Chair
The Honorable Anne Fauver
The Honorable Joyce Sheperd
The Honorable H. Lamar Willis
The Honorable Kwanza Hall**

Others present at the meeting were: Jerry Deloach and Amber Robinson, Law Department; Deputy Chiefs George Turner, Peter Andresen and Carlos Banda, Maj. Williams, Sgt. Davis, Director Malachi Hull, Police Department; Jim Glass, CFO; Leslie Ward, City's Internal Auditor; Doug Mincher, Courts; Gregory Pridgeon, Office of the Mayor; media, public and council staff.

Chair Clela Winslow called the meeting to order at 3:25 p.m. after declaring a quorum present. She then proceeded with the following order of business.

A. ADOPTION OF AGENDA - AMENDED TO ADD ONE RESOLUTION

B. APPROVAL OF MINUTES - APPROVED

C. DISCUSSION ITEM

Performance Audit: Traffic Tickets – Leslie Ward, City's Internal Auditor

CONSENT

D. RESOLUTIONS

Claims with favorable recommendations:

09-R-0220 (1) Claim of **Silver Sky, LLC, c/o David Jones**, for property damages alleged to have been sustained when a building was compromised during a sidewalk installation project in August 2008 at 1027 Monroe Drive, NE. **\$600.00**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 09-R-0221 (2) Claim of **Kathryn and Mark McKinley**, for vehicular damages alleged to have been sustained from driving over a construction site that had failed and was causing a sinkhole on October 9, 2008 at 1885 Piedmont Road, NE. **\$704.52**
- 09-R-0223 (3) Claim of **Joyce Benton**, for vehicular damages alleged to have been sustained after driving over a water valve that was damaged and exposed during a road paving project on September 13, 2008 at Perry Boulevard and Sanford Drive. **\$808.29**
- 09-R-0224 (4) Claim of **Lisa Johnson, through her attorney, Christopher Simon**, for damages alleged to have been sustained as a result of a vehicular accident on August 25, 2008 at Campbellton Road and Butner Road. **\$2,700.00**
- 09-R-0225 (5) Claim of **Victor Simpson, through his attorney, Christopher Simon**, for damages alleged to have been sustained as a result of a vehicular accident on August 25, 2008 at Campbellton Road and Butner Road. **\$2,900.00**
- 09-R-0226 (6) Claim of **Michael Slade, through his attorney, Christopher Simon**, for damages alleged to have been sustained as a result of a vehicular accident on August 25, 2008 at Campbellton Road and Butner Road. **\$3,000.00**
- 09-R-0227 (7) Claim of **State Farm Insurance Companies, as subrogee of Tyreal Lewis**, for property damages alleged to have been sustained due to an automobile accident on July 10, 2008 at Marietta Street, NW and Northside Drive, NW. **\$3,155.66**
- 09-R-0228 (8) Claim of **State Farm Insurance Companies, as subrogee of Kenneth Lovell, Jr.**, for damages alleged to have been sustained as a result of an automobile accident on September 29, 2008 at 743 Confederate Avenue, SE and Ormewood Avenue, SE. **\$4,063.23**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 09-R-0229 (9) Claim of **Regina Todd, through her attorney, William F. Heitmann, III**, for damages alleged to have been sustained as a result of an automobile accident on August 7, 2008 at Sunset Street and Central Avenue. **\$8,000.00**

Claims with unfavorable recommendations:

- 09-R-0230 (10) Claim of **Richard Jimenez**, for damages alleged to have been sustained as a result of a request for refund of the deposit made for a fire hydrant installation on August 11, 2008 at 651 14th Street, NW.
- 09-R-0231 (11) Claim of **James and Beverly Ellis, through their attorneys, Martin & Jones**, for property damages alleged to have been sustained from a sewer backup on July 12, 2008 at 1812 Brewer Boulevard, SW.
- 09-R-0232 (12) Claim of **Nancy J. Davis**, for damages alleged to have been sustained due to driving over a tool that was left in the roadway during a construction project on November 2, 2007 at 4362-4291 Wieuca Road, NE.
- 09-R-0233 (13) Claim of **American President Lines, Ltd., through its attorney, Stephen M. Reams, Esq., Stites & Harbison**, for property damages alleged to have been sustained from flooding on an unspecified date at 2003 Marietta Road.
- 09-R-0234 (14) Claim of **Karon Scott, through her attorney, Lawrence A. Silverman, Esq., Kenneth S. Nugent, P.C.**, for bodily injuries alleged to have been sustained from a slip-and-fall incident on July 28, 2008 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 09-R-0235 (15) Claim of **Ines and Kenneth Walcott, on behalf of their minor child, Ian Walcott, through their attorney, Daniel A. Ragland, Esq., Ragland & Jones, LLP**, for bodily injuries alleged to have been sustained from an escalator injury on July 28, 2008 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 09-R-0236 (16) Claim of **CROCS, Inc., through its attorney, Kimberly A. Smiley, Esq., Wheeler Trigg Kennedy, LLP**, for damages alleged to have been sustained when a child's shoe became entrapped in an escalator on July 30, 2008 at 8700 Spine Road, Hartsfield-Jackson Atlanta International Airport.
- 09-R-0237 (17) Claim of **Herman and Carladenise Edwards, on behalf of their minor child, William Edwards, through their attorney, Daniel A. Ragland, Esq., Ragland & Jones, LLP**, for bodily injuries alleged to have been sustained from an escalator injury on July 29, 2008 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 09-R-0328 (18) Claim of **Annie Boone**, for vehicular damages alleged to have been sustained from driving through a road striping project on December 3, 2008 at 2190 Cascade Avenue, SW.
- 09-R-0239 (19) Claim of **Reba Jones**, for vehicular damages alleged to have been sustained from a police search-and-seizure incident on September 18, 2008 at 2185 Martin Luther King, Jr. Drive.
- 09-R-0240 (20) Claim of **Joshua Cooper**, for damages alleged to have been sustained when a vehicle drove over a sinkhole in the road on October 8, 2008 at 3109 Piedmont Road, NE.
- 09-R-0241 (21) Claim of **Joel Murovitz, through his attorney, Annette Kerlin McBrayer, Esq., Epstein Becker & Green, P.C.**, for damages alleged to have been sustained due to the existence of two sanitary sewer lines located underneath a residence on October 16, 2007 at 940 Austin Avenue, SE.
(Councilmember Martin made a motion approve Items D1-D21)

FAVORABLE

REGULAR

E. ORDINANCES FOR SECOND READING

- 09-O-0177 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2008 (Intergovernmental Grant Fund) Budget, Department of Police ("Department"), by adding to anticipations and appropriations, the amount of \$4,500.00 for a grant from the Governor's Criminal Justice Coordinating Council to fund one member of the Department's Command Staff to attend the 2008 Georgia International Law Enforcement Exchange (GILEE), to receive Anti-Terrorism Training in Israel; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

- 09-O-0178 (2) An Ordinance by Public Safety and Legal Administration Committee amending the 2009 (Intergovernmental Grant Fund) Budget, Departments of Police, Fire and Rescue and Watershed Management, by adding to anticipations and appropriations, the amount of \$4,208,999.16 from the United States Department of Homeland Security (DHS), Office for Domestic Preparedness (ODP), Urban Areas Security Initiative (UASI), to aid the City of Atlanta's ongoing efforts to protect itself from terrorist attacks; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

- 09-O-0204 (3) An Ordinance by Public Safety and Legal Administration Committee to Amend Chapter 162, Article II, Division 2, Section 162-61(d) of the Code of Ordinances of the City of Atlanta, Georgia, so as to authorize the sale of Vehicle for Hire CPNC's by the City of Atlanta in accordance with the provisions of the Procurement and Real Estate Code; to repeal conflicting ordinances; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

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F. PAPERS HELD IN COMMITTEE

- 06-R-0433 (1) Claim of **Robert Colgin**, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. **(Referred back by Council 2/20/06) (Held 2/28/06 for further investigation at the request of Councilmember Muller)**

HELD

- 06-O-1044 (2) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes. **(Held 5/9/06 at the request of Councilmember Martin)**

HELD

- 07-O-0249 (3) An Ordinance by Councilmembers Kwanza Hall and Cleta Winslow authorizing the Mayor or her designee to grant an exemption to the City's Distance Requirements for on-premise consumption of alcohol and the sale of wine by the package on the 300 block of Walker Street. **(Held 2/13/07 for further review)**

HELD

- 07-R-0545 (4) Claim of **Nancy Montgomery**, for damages alleged to have been sustained as a result of a water main break during the installation of a sidewalk on June 6, 2006 at 2340 Hurst Drive, NE.
(Councilmember Winslow made a motion to adverse.)

FAVORABLE

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-1525 (5) An Ordinance by Councilmember Joyce Sheperd to amend Section 122-172 under Chapter 122, Article V, Division 2, of the Code of Ordinances, so as to provide for a review by the affected Neighborhood Planning Unit(s) whenever an application for a license to operate a Secondary Metal Recycler is submitted; and for other purposes.

HELD

- 07-O-1526 (6) An Ordinance by Councilmember Joyce Sheperd to amend Section 30-1503(a) under Chapter 30, Article XXV, of the Code of Ordinances, so as to provide for a review by the affected Neighborhood Planning Unit(s) whenever an application for a license to operate a Self-Service Car Wash is submitted; and for other purposes. **(Held 7/31/07 at the request of the author for further review. 9/25/07 a motion was approved to forward to the NPU's for review) (Councilmember Sheperd made a motion to approve.)**

FAVORABLE

- 07-O-1795 (7) An Ordinance by Councilmember H. Lamar Willis to establish Chapter 21 of the Code of Ordinances of the City of Atlanta entitled "Transportation of Hazardous Materials"; to create a new Article I to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007," to create a new Division 1 to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007"; so as to prohibit large shipments of certain extremely hazardous materials near the City of Atlanta in an effort to reduce the risk of attacks by terrorists; to allow for the issuance of permits authorizing such shipments in special cases; to require the Mayor to issue regulations to implement the provisions of this act; and for other purposes. **(Held 8/28/07 for further review.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-1879 (8) An Ordinance by Public Safety and Legal Administration Committee to revise the City of Atlanta Code of Ordinances pertaining to secondary metal recyclers by amending the following Sections of Chapter 122, Article V, Divisions I and II; Section 122-151 (Definitions); Section 122-152 (Records Required); and Section 122-157 (Unlawful Acts); Section 122-171 (Required Application); to add the following new Sections to Chapter 122, Article V, Divisions I and II of the City of Atlanta Code of Ordinances: Section 122-158 (Daily Written Report to Police); Section 122-159 (Offenses; Defenses, Penalty); Section 122-160 (Possessor of Secondary Metals); Section 122-161 (License to Possess Secondary Metals); Section 122-162 (Revocation of License to Possess Secondary Metals); and Section 122-170 (Processing Application; Issuance of License, Possessor of Secondary Metals); to waive conflicting ordinances; and for other purposes. **(Public Hearing held on 10/30/07) (Held 10/30/07 for further review)**

HELD

- 07-R-2294 (9) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to approve or reject the decision of the evaluator presiding in the early neutral evaluation process, an alternative dispute resolution process, in the matter of Veolia Water North America Operating Services, LLC v. City of Atlanta, in the U.S. District Court, Northern District of Georgia, Civil Action No. 06-CV-1457-TWT; and for other purposes. **(Held 10/30/07 for further review)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-2513 (10) An Ordinance by Councilmember Ceasar C. Mitchell to amend Ordinance #07-O-2135, adopted October 15, 2007 and approved October 22, 2007, amending Section 10-12 of the City Code, which amendment eliminated the provision allowing persons 18 years of age or older to provide entertainment in any premises licensed for the sale of alcoholic beverages, so as to exempt from said ordinance, those persons currently employed as entertainers with active and valid permits, which will afford such persons a "Grandfathered" status; and for other purposes. **(Held 11/27/07 at the request of the author)**

HELD

- 08-O-0190 (11) An Ordinance by Councilmember H. Lamar Willis to amend Chapter 30, Article II of the City Code of Ordinances to reflect new fees for owners of Adult Entertainment establishments which sell alcohol to provide for certain programs for the prevention of sexual assault; and for other purposes. **(Held 1/29/08 at the request of the author)**

HELD

- 08-O-0507 (12) An Ordinance by Councilmember Mary Norwood to create a new Section 106-15 of the Code of Ordinances of the City of Atlanta, Georgia, to be entitled "Loitering"; and for other purposes. **(Held 3/11/08 for further review by the Law Department)**

HELD

- 08-O-0824 (13) An Ordinance by Councilmembers Ceasar C. Mitchell, Clela Winslow, Joyce M. Sheperd, Mary Norwood, C. T. Martin, Ivory L. Young, Jr., Kwanza Hall and H. Lamar Willis to amend Article V (Entitled "Offenses by and against Minors") of Chapter 106 of the Code of Ordinances of the City of Atlanta, Georgia, by creating a new Section 106-229 to be entitled "Day-Time Curfew" so as to impose a Day-Time Curfew on minors, ages six (6) to sixteen (16) years; and for other purposes **(Held 4/29/08 per the Department of Police to have discussion with the Atlanta Board of Education.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-0843 (14) An Ordinance by Councilmember Natalyn M. Archibong amending Sections 10-1, 10-88 and 10-88.1 of the Code of Ordinances of the City of Atlanta, by adding a paragraph to define the term "Specialty Food Shop" and by adding and amending paragraphs to create distance requirements for same; and for other purposes. **(Held 4/29/08 for two week certain per the author to have a discussion with the Law Department.) (Brought forward, discussed and continued to held 12/9/08.)**

HELD

- 08-R-0845 (15) A Resolution by Councilmembers Ceasar C. Mitchell and C. T. Martin expressing the Atlanta City Council's support and encouragement of the Atlanta Police Department increasing the number of members of the City's Red Dog Unit from its current strength to not less than seventy-five (75) officers in order to have an effective number of personnel in order to combat street level drug trafficking; and for other purposes. **(Held per the Committee so that the Law Department can review.)**

HELD

- 08-O-0884 (16) An Ordinance by Finance/Executive Committee to amend Chapter 10, Article I, Section 10-1 of the Code of Ordinances, City of Atlanta, Georgia, so as to amend the definition of the word "Restaurant" to more closely reflect the definition of the term "Bona Fide Full-Service Restaurant" contained in Chapter Three of the Official Code of Georgia Annotated; to repeal conflicting ordinances; and for other purposes. **(Held 5/27/08 for further review)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-1211 (17) An Ordinance by Councilmembers H. L. Willis, C. T. Martin, Ivory L. Young, Jr. and Mary Norwood to create a separate Department/Organization (Dept/Org) to account for the activity of the Citizen Review Board (CRB); to move funds budgeted in the FY 2008 General Fund Budget in the Police Department's Public Affairs Unit for the purposes of the CRB; and for other purposes. **(Held 6/10/08 for further review)**

HELD

- 08-O-1230 (18) An Ordinance by Councilmember Kwanza Hall **as substituted by Public Safety and Legal Administration Committee** to amend Sections 10-1, 10-62 and 10-88 to Chapter 10 of the Code of Ordinances, City of Atlanta, Georgia, so as to create a new category of Alcoholic Beverage License for Community Theatres; to make such Community Theatres exempt from the distance requirements contained in Section 10-88; and for other purposes. **(Held 6/10/08) (Substituted and held 7/1/08 for further review)**

HELD

- 08-O-1252 (19) An Ordinance by Councilmember Howard Shook to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 10, Article II, Division 2, Section 10-94(a), to exempt certain properties from the distance requirements of 10-88 for the sale of alcoholic beverages for consumption on the premises; and for other purposes. **(Held 7/1/08 at the request of the Law Department)**

HELD

- 08-O-1289 (20) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 10, Article II, Division 2, Section 10-61, Entitled "Date for Payment of License Fees; Prorated Fees", to provide for an expiration date for all licenses issued under Division 2 of Chapter 10, Article II of the City of Atlanta Code of Ordinances; to change the date by which all Annual License Fees and Renewal Applications of

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PAPERS HELD IN COMMITTEE (CONT'D)

all Annual Licenses issued under Division 2 of Chapter 10, Article II of the City of Atlanta Code of Ordinances must be submitted; to provide for prorated fees based upon the new deadline; to set forth that the effective date of this amendment shall be January 2, 2009; to repeal conflicting ordinances; and for other purposes. **(Held 7/15/08 at the request of the Law Department)**

HELD

- 08-O-1538 (21) An Ordinance by Councilmembers Jim Maddox, Joyce Sheperd, Mary Norwood, Ivory Lee Young, Jr., H. Lamar Willis, Kwanza Hall, C. T. Martin, Natalyn Archibong and Ceasar C. Mitchell to amend the Charter of the City of Atlanta, Georgia pursuant to the authority of the Municipal Home Rule Act of 1965, O.C.G.A. Section 36-35-1 et seq., as amended, by amending Section 4-104 (d) so as to provide that for the next Election of Municipal Court Judges, to be held in 2009, if more than seven (7) Judges elect to continue to serve for an additional four year term, only the seven (7) Judges receiving the highest number of votes shall continue to serve; to waive conflicting ordinances and charter amendments; and for other purposes. **(Referred by Full Council on 8/18/08) (Held 8/26/08 for a legal opinion.)**

HELD

- 08-O-1544 (22) An Ordinance by Councilman C. T. Martin to amend Section 162-78 (a) (3) and (6) (Taxicabs and Vehicles for Hire) of the Code of Ordinances of the City of Atlanta, Georgia so as to eliminate the Annual Fingerprinting Requirement for Taxicab Drivers and to change the Driver's Training Course Requirement from annually to every three years; to waive conflicting ordinances; and for other purposes. **(Referred back by Full Council on 8/18/08) (Held 8/26/08 for further review.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-1753 (23) An Ordinance by Councilmember Mary Norwood to amend Article XXIV entitled "Vending on Private Property"; and for other purposes. **(Held 9/9/08 for further review.)**

HELD

- 08-O-1760 (24) An Ordinance by Councilmembers Jim Maddox, C. T. Martin, Cleta Winslow, H. Lamar Wills, Ceasar Mitchell, Ivory L. Young, Jr., Kwanza Hall, Clair Muller to create a new Section 62-27.1 of the Code of Ordinances of the City of Atlanta, Georgia, which section shall provide that effective January 1, 2010, the number of Municipal Court Judges shall be eight (8); to waive conflicting ordinances; and for other purposes. **(Held 9/9/08 for further review.)**

HELD

- 08-O-2296 (25) An Ordinance by Public Safety and Legal Administration Committee amending Chapter 162, Article II, Division 5, Section 162-118, subsection (a), of the Code of Ordinances of the City of Atlanta, on behalf of the Department of Police, Bureau of Taxicabs and Vehicles for Hire, for the purpose of creating an initial airport fare for all taxicab trips originating from Hartsfield-Jackson Atlanta International Airport; and for other purposes. **(Public Hearing held 12/9/08) (Referred back by Full Council 1/22/09) (Held 1/27/09 for a Joint Works Session with Transportation Committee)**

HELD

- 08-O-2436 (26) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 2, Article XVI, Division 11, Section 2-2211 and Chapter 2, Article XVI, Division 11, Section 2-2212 to provide for the disclosure of public police and corrections documents to the Citizen Review Board; to amend Chapter 98, Article II, Section 98-26(b)(3) and Chapter 98, Article IV, Section 98-153(b)(3) to require the Chiefs of Police and Corrections to appear before the Citizen Review Board upon request and set forth the reasons for delays in internal investigations into their employees' conduct; and for the other purposes. **(Held 1/13/09 for a 4 week time certain.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 09-R-0138 (27) Claim of **Atlanta Housing Authority**, for damages alleged to have been sustained as a result of an automobile accident on August 5, 2008 at 596 Waynes Court, SE. **\$3,000.00**
(Held 1/27/09 at the request of Councilmember Willis.)

HELD

G. ITEM NOT ON THE AGENDA

- 09-R-0276 (1) A Resolution by Public Safety and Legal Administration Committee Authorizing the settlement of all claims against the City of Atlanta in the case of City of College Park v. City of Atlanta and City of Atlanta and Fulton County Recreation Authority, Civil Action File No. 07-Cv-134543; and for other purposes.
(Councilmember Martin made a motion to approve on condition.)

FAVORABLE ON CONDITION

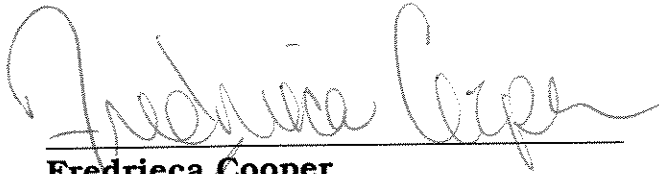
H. REQUESTED ITEMS

1. Councilmember Martin made a request to form a Sub-Committee to study ways to reduce crime in the City of Atlanta.
2. Councilmember Sheperd made a request for a work session on Liquor Licenses.

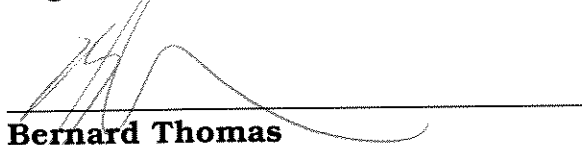
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There being no further business to come before the Committee, the meeting was adjourned at 6:23 p.m.

Respectfully Submitted:



Fredrieca Cooper
Legislative Assistant



Bernard Thomas
Research and Policy Analyst



The Honorable Cleta Winslow, Chair
Public Safety and Legal Administration Committee